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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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METLIFE LIFE AND ANNUITY COMPANY  
OF CONNECTICUT,

Civil Action No.  
07 CIV 7215  
(Karas, J.)

Plaintiff,

-against-

JOINT PRE-TRIAL ORDER

ANA NICOLE DELIO; ZACHARY FARRELL SOBIE;  
BRIAN SOBIE, Individually, as Trustee of  
the ZACHARY FARRELL SOBIE GRANDCHILD  
TRUST, and as Co-Trustee of the ANA  
NICOLE DELIO GRANDCHILD TRUST; and  
MICHAEL MENDELSON as co-Trustee of  
the ANA NICOLE DELIO GRANDCHILD TRUST,

Defendants.

- X
- I. The full caption of the action is as stated above.
- II. The parties are represented as follows:

- a. ALVIN PASTERNAK and PATRICIA CURRAN REINHARDT  
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Attorneys for Plaintiff
- b. NOEL W. HAUSER AND ASSOCIATES  
270 Madison Avenue, 13th Floor  
New York, New York 10016  
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Attorneys for Defendants Sobie

c. JAMES R. CARCANO, III  
15 Hudson Place  
Larchmont, New York 10538  
Telephone: 914 833-2695  
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Attorneys for Defendant Ana Nicole Delio

III. This is an interpleader action initiated by MetLife Life and Annuity Company of Connecticut ("MetLife"), formerly known as Travelers Life and Annuity Company. MetLife issued an annuity contract in favor of Estelle Sobie, Deceased, and the issue concerns itself with the party or parties entitled to the face amount of the annuity with interest. Plaintiff is a citizen of the State of Connecticut and defendants are citizens of the State of New York. The amount in controversy exceeds the sum of \$75,000.00.

IV. The sole issue relates to a change of beneficiary designation by the decedent Estelle Sobie executed on April 2, 2004. An earlier beneficiary designation executed by Estelle Sobie made provision for distribution upon her death to two Trusts, each in equal amounts designating the defendant ANA NICOLE DELIO GRANDCHILD TRUST to be the beneficiary of one, and ZACHARY FARRELL SOBIE GRANDCHILD TRUST to be the beneficiary of the other one.

Ana Nicole Delio is the daughter of Michele Sobie Delio, daughter of Estelle Sobie; Zachary Farrell Sobie

is the son of Brian Sobie, son of Estelle Sobie.

Estelle Sobie had no other children and there are no other grandchildren.

The Change of Beneficiary Designation form executed by Estelle Sobie on April 2, 2004 changed the Beneficiary Designations so as to provide that death benefits be paid one-third outright to Brian Sobie, the decedent's son, and one-third to each of the two Trusts theretofore created for the decedent's grandchildren Ana Nicole Delio and Zachary Farrell Sobie.

New York ETPL Section 13-3.2 and the Federal Rules of Evidence sections 601 and 803 are both applicable to this case.

- V. The case is to be tried before a jury. Two to three days will be required.
- VI. The parties have not consented to a trial of the issues by a Magistrate Judge.
- VII. The parties stipulate that on or about April 24, 2001, the plaintiff issued a variable annuity contract designating Estelle Sobie as the annuitant. Estelle Sobie died on February 10, 2007, and her Last Will and Testament executed on the same day as the disputed Change of Beneficiary Designation (April 2, 2004) has been admitted to probate.

Defendant Brian Sobie is the designated Executor and Trustee under the Last Will and Testament and is acting as such.

The amount to be paid by the plaintiff as directed by the Court exceeds \$2.5 million.

VIII. a. Plaintiff will offer no witnesses and has stipulated that it will make payment of the amount due under the annuity as directed by the Court. The defendants have stipulated that plaintiff may deduct \$5,000.00 from the amount due in the annuity for plaintiff's attorneys fees and costs in connection with this lawsuit.

b. The witnesses who will testify in behalf of the Sobie defendants are as follows:

Brian Sobie  
Zachary Farrell Sobie  
Stanley E. Bulua, Esq.  
Alan Badie  
Michael Mendelson  
Aaron Saperstein  
A representative of Wachovia Financial

Each of the Sobie witnesses will be offered in the case in chief of the Sobie defendants.

c. The witnesses who will testify in behalf of the defendant Ana Nicole Delio are as follows:

Ana Nicole Delio  
Brian Sobie  
Stanley E. Bulua, Esq.  
Ralph W. Haswell (a witness from MetLife)

- IX. a. The Sobie defendants will offer no deposition testimony.
- b. The Delio defendant will offer deposition testimony in its case in chief as follows:  
The Delio defendant will offer deposition testimony of Stanley E. Bulua, Esq. in her case in chief if he is not available to testify at trial.
- X. a. The Sobie defendants will offer the following exhibits in the case in chief:
1. Contract No. 921256-9785254 issued by the plaintiff in favor of Estelle Sobie, Annuitant;
  2. Last Will and Testament of Estelle Sobie signed, sealed, published and declared on April 5, 2002;
  3. Last Will and Testament of Estelle Sobie signed, sealed, published and declared on April 2, 2004;
  4. ANA NICOLE DELIO GRANDCHILD TRUST **Delio objects**  
dated April 1, 1993;
  5. Certificate of Letters Testamentary on the Estate of Estelle Sobie issued by the Surrogate's Court of the State of New York, County of Westchester,

on March 26, 2007 in favor of  
defendant Brian Sobie;

6. Beneficiary Designation form signed by  
Estelle Sobie on April 5, 2002 concurrently  
with the execution of the earlier Last Will  
and Testament of Estelle Sobie, signed,  
published and declared on the same date;
7. Copy of letter from Stanley E. Bulua, Esq.  
to Estelle Sobie dated November 13, 2003,  
summarizing a new plan for distribution  
of the Estate of Estelle Sobie;
8. Change of Beneficiary Designation form  
dated April 2, 2004;
9. Miscellaneous correspondence and bills  
addressed by Danziger & Markhoff LLP  
to Estelle Sobie between November 24,  
2003 and December 7, 2006;
10. Memorandum from Stanley E. Bulua  
dated December 19, 2003, outlining a  
new plan for the distribution of the  
Estate of Estelle Sobie;
11. Letter from Stanley E. Bulua to  
Estelle Sobie dated October 28, 2003;

12. Memorandum from Stanley E. Bulua dated January 24, 2002, regarding distribution of Estate of Estelle Sobie;
13. Letter from Stanley E. Bulua to Estelle Sobie dated January 20, 2004, including a draft of Will;
14. Letter from Stanley E. Bulua to Estelle Sobie dated April 12, 2004 enclosing "two conformed copies of your Last Will and Testament and Beneficiary Designation which you signed in our offices on April 7, 2004. We will keep the originals in our Will vault."
15. Letter from Stanley E. Bulua to Aaron L. Saperstein dated January 29, 2007;
16. Letter from Travelers to Stanley E. Bulua dated April 25, 2002, rejecting the Beneficiary Designation dated April 5, 2002;
17. Letter from Stanley E. Bulua to Travelers dated April 5, 2002, enclosing Beneficiary Designation;

18. Letter from Stanley E. Bulua to  
MetLife dated May 23, 2007;
19. Change of Beneficiary Designation **Delio Objects**  
addressed by the decedent Estelle  
Sobie to Wachovia Securities dated  
June 29, 2006, which designates the  
beneficiaries upon death of Estelle  
Sobie to be Brian Sobie, Ana Delio  
and Zachary Sobie, one-third to each;
20. Most recent tax returns of Simon **Delio Objects**  
Sobie & Co.;
21. Most recent tax returns of Brisco **Delio Objects**  
Jewelry Inc.;
22. Documents reflecting th existence **Delio Objects**  
of an annuity in the principal  
amount of approximately \$3 million  
calling for monthly payments of  
approximately \$10,000.00 per month  
to Michele Delio, mother of Ana  
Nicole Delio, with the principal  
payable on death of Michele Delio  
to Ana Nicole Delio. Brian Sobie  
is the Trustee of the Trust.



b. The defendant Ana Nicole Delio will offer the following exhibits in the case in chief:

1. Metlife Annuity Contract 921256-9785254;
2. Letter of Stanley E. Bulua to Estelle Sobie dated November 29, 2001;
3. Memo of Stanley Bulua, Esq. dated January 24, 2002;
4. Letter of Stanley E. Bulua to Estelle Sobie dated January 31, 2002;
5. Last Will and Testament of Estelle Sobie dated April 5, 2002;
6. Letter of Stanley E. Bulua to Travelers dated April 5, 2002 with enclosures;
7. Letter of Stanley E. Bulua to Estelle Sobie dated April 15, 2002;
8. Letter of Traveler's to Stanley E. Bulua Esq. dated April 25, 2002;
9. Letter of Stanley E. Bulua to Estelle Sobie dated October 28, 2003;
10. Letter of Stanley E. Bulua to Estelle Sobie dated November 13, 2003;
11. Letter of Stanley E. Bulua to Estelle Sobie dated December 19, 2003;

12. Letter of Stanley E. Bulua to Estelle Sobie dated January 20, 2004;
13. Last Will and Testament of Estelle Sobie dated April 2, 2004;
14. Letter of Stanley E. Bulua to Estelle Sobie dated April 12, 2004 including attachments and invoice for services rendered dated April 12, 2004;
15. Letter of Stanley E. Bulua to Aaron Saperstein dated January 29, 2007;
16. Letter of Stanley E. Bulua to Laura Hatfield dated May 23, 2007;
17. Billing records of Stanley E. Bulua, Esq. and/or Danziger Markhoff to Estelle Sobie for the period 10/31/03 to 12/7/06;
18. Beneficiary Designation form signed by Estelle Sobie on April 5, 2002;
19. Beneficiary Designation form signed by Estelle Sobie on April 2, 2004.

XI. The parties consent to less than a unanimous verdict.

*Alvin Pasternek*

ALVIN PASTERNEK, ESQ.  
PATRICIA CUDMAN REINHARDT, ESQ.  
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*[Signature]*

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*[Signature]*

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Attorney for defendant Delio  
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Larchmont, New York 10538

**SO ORDERED**  
*[Signature]*  
**KENNETH M. KARAS U.S.D.J.**  
4/30/08